Milwaukee County Department of Health and Human Services Division of Youth & Family Services POLICY & PROCEDURE	Original Date Issued: 12/01/2016 Last Revision Date: 01/01/2019	Current Review Date: 01/01/2019 Current Review By: MG	Section: OUT OF HOME CARE	Policy No:	Pages: Page 1 of 13
Division of Youth & Family Services (DYFS) Detention Center DYFS Services Network Purchase of Service Agencies	Current Effective Date: 06/01/2019	DYFS Change of Placement Process			

I. Policy

It is the policy of the Division of Youth and Family Services (DYFS) that for any youth under a Court order, that the Human Service Worker (HSW) will inform the Courts of any changes in the youth's placement during the entire duration of that court order. Youth under the jurisdiction of a Delinquency Order cannot be moved from their home or current out of home placement without a legal Notice of Change of Placement (COP) form completed and copies given to all legal parties, filed out by the HSW. See Wis. Stat. § 938.357.

A youth may not be moved out of a parent or guardian's home for a non-temporary move until either an Emergency Detention or a Revision court hearing has occurred.

To the extent possible, parents/guardians shall be requested to provide the names of a minimum of three (3) relatives of the youth or other individuals 18 years of age or over to be considered for placement of the youth. See Wis. Stat. § 938.335.

II. Procedure

Any person authorized under Wis. Stats. §§ 48.217 or 938.217, may request a change in placement by filing the appropriate forms under the appropriate case number. When a youth has multiple dispositional orders, a separate form shall be filed for each case number excluding lettered petitions, which may be included on the same form.

For example: Johnny Smith has the following dispositional orders currently active: 16JV000015, 17JV000300, 17JV000300C, and 18JV000007. The Agency shall file a total of three notices (17JV000300 and 17JV000300C can be filed on the same form.)

The COP forms are generated through the following State of Wisconsin Department of Children and Families (DCF) website:

https://www.wicourts.gov/forms1/circuit/ccform.jsp?FormName=&FormNumber=&beg_date=&end_date =&StatuteCite=&Category=23&SubCat=Juvenile

A. Types of legal COP's: Emergency and Non-Emergency

- 1. Emergency Placements.
 - a. Examples:
 - i. The court orders an immediate placement as part of a court hearing.
 - ii. The youth's current placement requests immediate removal of the youth.
 - iii. If a proposed COP was previously submitted to the courts and does not occur and the youth remains in his or her current placement.

Emergency COPs should be entered within 24 hours following the move (excluding weekends and holidays) per DYFS policy.

- 2. Non-Emergency Placements
 - b. Example:
 - i. Placement moves not listed above which are planned by the HSW, division worker, and other team members.

Non-Emergency COP's should be entered at least 14 business days prior to the move per DYFS policy.

NOTE: If the youth moves to a new address but is not changing their legal placement, the HSW does NOT submit a COP to change the home address. The HSW should simply change the Parent or Guardian address and phone number on the Team List Tab, Mailing Label Tab in Synthesis and Address Tab in JPM and notify the courts of a change in address.

B. Pre-Dispositional Cases

PRE-DISPOSITIONAL EMERGENCY CASES

- > Out of Home to Out of Home,
- > Out of Home to In Home, or
- > In Home to In Home

Youth can be moved immediately under emergency conditions and the DYFS shall file a Notice of COP no later than 24 hours after the move.

- 1. DYFS shall file a **Notice of Change in Placement**, Form JD-1754, ("Notice") with the assigned court and shall include what new information is available to justify the change that was not available at the previous hearing.
- 2. The Notice must be delivered to the court and file stamped by the Deputy Court Clerk.
- 3. DYFS must send a file stamped copy of the Notice, to all parties on the same day it is filed with the Court.
- 4. Parties entitled to receive notice include: juvenile, juvenile's counsel, Guardian ad Litem (GAL), parent(s), parent's counsel, guardian, Legal Custodian, District Attorney, placement, and tribe (if applicable).
- 5. Any party receiving notice may obtain a hearing on the matter by filing a written objection with the assigned court within 10 days of the Notice being filed with the court.

- 6. If an objection is filed and the next hearing is scheduled in front of the commissioner, the Deputy Court Clerk shall schedule the objection in the assigned judge's court.
- 7. Every effort should be made to avoid multiple hearings in a short period of time. The Deputy Court Clerk should schedule the objection during the next scheduled hearing time unless it exceeds 30 days from the original filing of the Notice.
- 8. The Clerk of Court's office will provide notice of the hearing to all parties.
- 9. At the subsequent hearing the court will sign a Temporary Physical Custody (TPC) Order, Form JD-1711, or an Addendum to Delinquency Order for TPC, Form 1443A-2 R13, depending on if the placement is changed. The Clerk of Circuit Court's office shall provide a conformed copy of the signed order to DYFS.
- 10. DYFS shall distribute copies of the signed order to all parties.
- 11. If the placement is changed, the Deputy Court Clerk shall change the party information in all case numbers to reflect the youth's new placement under their address, withdraw the current placement on the docket sheet using event code WP and enter the new placement under PC in the party information.

PRE-DISPOSITIONAL NON-EMERGENCY CASES

- > Out of Home to Out of Home,
- > Out of Home to In Home, or
- > In Home to In Home

Youth cannot be moved until the Court has signed the Order.

- 1. DYFS shall file a **Notice of Change in Placement**, Form JD-1754, with the assigned court and shall include what new information is available to justify the change that was not available at the previous hearing.
- 2. The Notice must be delivered to the court and file stamped by the Deputy Court Clerk.
- 3. DYFS must send a file stamped copy of the Notice, to all parties on the **same day** it is filed with the Court.
- 4. Parties entitled to receive notice include: juvenile, juvenile's counsel, Guardian ad Litem (GAL), parent(s), parent's counsel, guardian, Legal Custodian, District Attorney, placement, and tribe (if applicable).
- 5. Any party receiving notice may obtain a hearing on the matter by filing a written objection with the Clerk of Circuit Court within 10 days of the Notice being filed with the court.
- 6. If an objection is filed and the next hearing is scheduled in front of the commissioner, the Deputy Court Clerk shall schedule the objection in the assigned judge's court.

- 7. Every effort should be made to avoid multiple hearings in a short period of time. The Deputy Court Clerk should schedule the objection during the next scheduled hearing time unless it exceeds 30 days from the original filing of the Notice.
- 8. The Clerk of Court's office will provide notice of the hearing to all parties.
- 9. At the subsequent hearing the court will sign a TPC Order, Form JD-1711, or an Addendum to Delinquency Order for TPC, Form 1443A-2 R13, depending on if the placement is changed. The Clerk of Circuit Court's office shall provide a conformed copy of the signed order to DYFS.
- 10. DYFS shall distribute copies of the signed order to all parties.
- 11. If the placement is changed, the Deputy Court Clerk shall change the party information in all case numbers to reflect the youth's new placement under their address, withdraw the current placement on the docket sheet using event code WP and enter the new placement under PC in the party information.

PRE-DISPOSITIONAL EMERGENCY CASES

> In Home to Out of Home

Youth can be moved immediately under emergency conditions and the DYFS shall file a TPC Request no later than 24 hours after the move.

- 1. DYFS shall file a **TPC Request**, Form JD-1710, with the assigned court no later than 24 hours of the youth being moved.
- 2. The TPC Request must be delivered to the court and file stamped.
- 3. The Deputy Court Clerk shall schedule a hearing within 48 hours of receipt of the TPC Request.
- 4. DYFS must send a file stamped copy of the TPC Request to all parties and must provide notice of the hearing by the most practical means.
- 5. Parties entitled to receive notice include: juvenile, juvenile's counsel, Guardian ad Litem (GAL), parent(s), parent's counsel, guardian, Legal Custodian, District Attorney, placement, and tribe (if applicable).
- 6. At the subsequent hearing, the court will sign a TPC Order, Form JD-1711, or an Addendum to Delinquency Order for TPC, Form 1443A-2 R13, depending on if the placement is changed. The Clerk of Circuit Court's office shall provide a conformed copy of the signed order to DYFS.
- 7. DYFS shall distribute copies of the signed order to all parties.
- 8. If the placement is changed, the Deputy Court Clerk shall change the party information in all case numbers to reflect the youth's new placement under their address, withdraw the current placement on the docket sheet using event code WP and enter the new placement under PC in the party information.

PRE-DISPOSITIONAL NON-EMERGENCY CASES

> In Home to Out of Home

Youth cannot be moved until the Court has signed the Order.

- 1. DYFS shall file a TPC Request, Form JD-1710, with the assigned court.
- 2. The TPC Request must be delivered to the court and file stamped.
- 3. DYFS must send a file stamped copy of the TPC Request to all parties on the same day it is filed with the Court.
- Parties entitled to receive notice include: juvenile, juvenile's counsel, Guardian ad Litem (GAL), parent(s), parent's counsel, guardian, Legal Custodian, District Attorney, placement, and tribe (if applicable).
- 5. The Deputy Court Clerk shall schedule a hearing in the assigned judge's court. Every effort should be made to avoid multiple hearings in a short period of time. The Deputy Court Clerk should schedule the hearing during the next scheduled hearing time, unless it exceeds 30 days from the original filing of the TPC Request.
- 6. The Clerk of Court's office will provide notice of the hearing to all parties.
- 7. At the subsequent hearing, the court will sign a TPC Order, Form JD-1711, or an Addendum to Delinquency Order for TPC, Form 1443A-2 R13, depending on if the placement is changed. The Clerk of Circuit Court's office shall provide a conformed copy of the signed order to DYFS.
- 8. DYFS shall distribute copies of the signed order to all parties.
- 9. If the placement is changed, the Deputy Court Clerk shall change the party information in all case numbers to reflect the youth's new placement under their address, withdraw the current placement on the docket sheet using event code WP and enter the new placement under PC in the party information.

C. Post-Dispositional Cases

POST-DISPOSITIONAL EMERGENCY CASES

- > Out of Home to Out of Home,
- > Out of Home to In Home, or
- > In Home to In Home

Youth can be moved immediately under emergency conditions and the DYFS shall file a Notice no later than 24 hours after the move.

- 1. DFYS shall file a Notice of Change in Placement, Form JD-1754, with the assigned court no later than 24 hours of the youth being moved.
- 2. The Notice must be delivered to the court and file stamped.

- 3. DYFS must send a file stamped copy of the Notice to all parties within 48 hours of the change in placement.
- 4. Parties entitled to receive notice include: juvenile, juvenile's counsel, Guardian ad Litem (GAL), parent(s), parent's counsel, guardian, Legal Custodian, District Attorney, placement, and tribe (if applicable).
- 5. DYFS shall submit to the court the corresponding order form in duplicate with the Notice. An order for each corresponding case number must be filed.

JD-1790 - Order for COP (Out of Home to Out of Home Placement Only)

JD-1792 - Order for COP (Out of Home to In Home Placement Only)

JD-1793 – Order for COP (In Home to In Home Placement Only)

- 6. Any party receiving notice may obtain a hearing on the matter by filing a written objection with the assigned court within 10 days after the Notice was filed with the court.
- 7. Objection to the Change in Placement filed
 - a. If an objection is filed by any party who is entitled to Notice, the Clerk of Court's office shall schedule a hearing no later than 30 days from the original Notice being filed and notice of the hearing provided to all parties.
 - b. At the subsequent hearing the court will sign the order either approving or denying the placement change. The Clerk of Circuit Court's office shall provide a conformed copy of the signed order to DYFS.
 - c. DYFS shall distribute copies of the signed order to all parties.
 - d. If the placement is changed, the Deputy Court Clerk shall change the party information in all case numbers to reflect the youth's new placement under their address, withdraw the current placement on the docket sheet using event code WP and enter the new placement under PC in the party information.

8. No Objection to the Change in Placement

- a. If no objection is filed by a party who is entitled to notice within 10 days of the Notice being filed, the court can sign the order and approve the COP. If the court has concerns, the court can set a hearing prior to signing the order and the Clerk of Circuit Court shall provide notice of that hearing to all parties.
- b. The Clerk of Court's office shall place a conformed copy of the signed order in DYFS's mailbox located in the Clerk of Circuit Court's office.
- c. DYFS shall distribute copies of the signed order to all parties.
- d. If DYFS does not receive a copy of the order within 14 days of filing the Notice, DYFS shall contact the assigned court to inquire as to the status of the order.

POST-DISPOSITIONAL NON-EMERGENCY CASES

- > Out of Home to Out of Home,
- > Out of Home to In Home, or
- > In Home to In Home

Youth cannot be moved until the Court has signed the Order.

- 1. DYFS shall file Notice of Change in Placement, Form JD-1754, with the assigned court.
- 2. The Notice must be delivered to the court and file stamped.
- 3. DYFS must send a file stamped copy of the Notice to all parties on the same day it is filed with the court.
- 4. Parties entitled to receive notice include: juvenile, juvenile's counsel, Guardian ad Litem (GAL), parent(s), parent's counsel, guardian, Legal Custodian, District Attorney, placement, and tribe (if applicable).
- 5. DYFS shall submit to the court the corresponding order form in duplicate with the Notice. An order for each corresponding case number must be filed.

JD-1790 – Order for COP (Out of Home to Out of Home Placement Only)

JD-1792 - Order for COP (Out of Home to In Home Placement Only)

JD-1793 – Order for COP (In Home to In Home Placement Only)

- 6. Any party receiving notice may obtain a hearing on the matter by filing a written objection with the Clerk of Circuit Court within 10 days after the Notice was filed with the court.
- 7. Objection to the Change in Placement filed
 - a. If an objection is filed by any party who is entitled to Notice, the Clerk of Court's office shall schedule a hearing no later than 30 days from the original Notice being filed and notice of the hearing provided to all parties.
 - b. At the subsequent hearing the court will sign the order either approving or denying the placement change. The Clerk of Circuit Court's office shall provide a conformed copy of the signed order to DYFS.
 - c. DYFS shall distribute copies of the signed order to all parties.
 - d. If the placement is changed, the Deputy Court Clerk shall change the party information in all case numbers to reflect the youth's new placement under their address, withdraw the current placement on the docket sheet using event code WP and enter the new placement under PC in the party information.
- 8. No Objection to the Change in Placement

- a. If no objection is filed by a party who is entitled to notice within 10 days of the Notice being filed, the court can sign the order and approve the COP. If the court has concerns, the court can set a hearing prior to signing the order and the Clerk of Circuit Court shall provide notice of that hearing to all parties.
- b. The Clerk of Court's office shall place a conformed copy of the signed order in DYFS's mailbox located in the Clerk of Circuit Court's office.
- c. DYFS shall distribute copies of the signed order to all parties.
- d. If DYFS does not receive a copy of the order within 20 days of filing the Notice, DYFS shall contact the assigned court to inquire as to the status of the order.

POST-DISPOSITIONAL EMERGENCY CASES

> In Home to Out of Home

Youth can be moved immediately under emergency conditions and the DYFS shall file a Notice no later than 24 hours after the move.

- 1. DYFS shall file Notice of Post disposition Emergency Change in Placement and Hearing Request (In Home to Out of Home) ("Notice of Emergency Change"), Form JD-1767, with the assigned court immediately after the youth's placement is changed.
- 2. The Notice of Emergency Change must be delivered to the court and file stamped by the Deputy Court Clerk.
- 3. The Deputy Court Clerk shall schedule a court hearing within 48 hours of the filing of the Notice of Emergency Change.
- 4. DYFS shall provide notice of the hearing to all parties by the most practical means.
- 5. Parties entitled to receive notice include: juvenile, juvenile's counsel, Guardian ad Litem (GAL), parent(s), parent's counsel, guardian, Legal Custodian, District Attorney, placement, and tribe (if applicable).
- 6. A file stamped copy of the Notice of Emergency Change shall be provided to the District Attorney's office and, depending on the case type, the GAL, the Public Defender, and the parent's counsel, as appropriate.
- 7. At the subsequent hearing DYFS shall file a **Request to Change Placement** ("Request"), Form JD-1766.
- 8. In addition, DYFS shall submit a copy of the Order for Change in Placement (In-Home to Out-of-Home Placement Only), Form JD-1789, for signature. An order for each corresponding case number must be filed.
- 9. At the subsequent hearing the court will sign the order either approving or denying the COP. The Clerk of Circuit Court's office shall provide a conformed copy of the signed order to DYFS.

- 10. DYFS shall distribute copies of the signed order to all parties.
- 11. If the placement is changed, the Deputy Court Clerk shall change the party information in all case numbers to reflect the youth's new placement under their address, withdraw the current placement on the docket sheet using event code WP and enter the new placement under PC in the party information.
- 12. If DYFS does not receive a response to their Request within 20 days of filing the Notice or Request, DYFS should contact the assigned court to inquire as to the status.

POST- DISPOSITIONAL NON-EMERGENCY CASES

In Home to Out of Home

Youth cannot be moved until the court has signed the order.

- 1. DYFS shall file a Request to Change Placement, Form JD-1766.
- 2. The Request must be delivered to the court and file stamped.
- 3. The Clerk of Circuit Court shall schedule a court hearing within 20 days of the filing of the Request.
- 4. The Clerk of Court's office will provide notice of the hearing to all parties with a copy of the Request.
- 5. Parties entitled to receive notice include: juvenile, juvenile's counsel, Guardian ad Litem (GAL), parent(s), parent's counsel, guardian, Legal Custodian, District Attorney, placement, and tribe (if applicable).
- 6. In addition, DYFS shall submit a copy of the Order for Change in Placement (In-Home to Out-of-Home Placement Only), Form JD-1789, for signature. An order for each corresponding case number must be filed.
- 7. At the subsequent hearing the court will sign the order either approving or denying the placement change. The Clerk of Circuit Court's office shall provide a conformed copy of the signed order to DYFS.
- 8. DYFS shall distribute copies of the signed order to all parties.
- 9. If the placement is changed, the Deputy Court Clerk shall change the party information in all case numbers to reflect the youth's new placement under their address, withdraw the current placement on the docket sheet using event code WP and enter the new placement under PC in the party information.

III. Process

- A. All changes in a youth's placement should be well planned and the rationale for the change should be documented in Synthesis case notes.
- **B.** Ongoing collaboration with all involved parties must occur on a regular and consistent basis regarding changes in a youth's placement, which should reduce any legal problems associated with objections to these changes in placements.

C. Notifications -

Anytime a youth's placement changes, all members of the youth's team should be notified, to include the youth's parent(s)/guardian(s), Division of Milwaukee Child Protective Services (DMCPS) Worker, Wraparound Milwaukee Care Coordinator, treatment providers, etc. should be notified, as applicable.

D. Milwaukee Public Schools Educational Passports

When a youth is placed outside the home or has a change in placement, the HSW must complete the Educational Passport worksheet located on the H-drive for the youth and send a copy to the Central Office of Milwaukee Public Schools (MPS). A copy of the Educational Passport should also be kept in the youth's file.

E. Synthesis Tracking

- a. All <u>court-ordered Out of Home placements</u> will be tracked in Synthesis. This includes group home, Residential Treatment Center, relative, foster home, and youth missing from their placements. This **excludes** Wraparound out-of-home placements, shelter and detention placements. These placements are tracked in the JPM database and are, therefore, not subject to Synthesis tracking.
- b. If a COP is submitted for a proposed move and the actual placement date changes, the HSW must update the Placement Tab in Synthesis to report the actual move date.
- c. If a COP is submitted for a proposed move and the move does not occur, another COP must be submitted. This COP should be coded as an Emergency Placement, and the Date of the New Placement should be listed as the date the HSW decided the move would not occur. The Reason for Change in Placement would then explain to the court and all parties involved what occurred with that youth.

d. Youth Demographic Information

The youth's placement/address and other demographic information will be updated and then will automatically populate portions of the COP form in Synthesis.

e. Youth Team List

Enter all team members of the youth, including but not limited to, the mother, father, guardian, current placement, proposed placement, Assistant District Attorney and Public Defender/youth's attorney. Please be sure to enter all team members' information, as they will populate other forms when entered accurately.

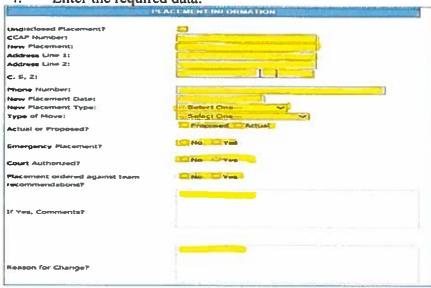
To add team members in Synthesis, review the following steps:

- 1. Access and open the youth's file in Synthesis
- 2. Click on "Team List" along the top file options
- 3. Review the members present to ensure that the person is not already included
- 4. If not, click on the "New" button at the top of the page
- 5. Enter the required team member data:
 - Role
 - Inactive: Click "Yes" or "No" to show whether this person is currently on the team
 - DOB (if applicable)
 - First and Last Name
 - Email address
 - Check whether this team member has an undisclosed placement
 - Address, City, State and Zip
 - Phone Number
 - Any required notes, such as information that the HSW wants to be able to document regarding the Team Member
- 6. Click on the "Insert" button at the top of the page

f. Permanent COP Form in Synthesis

To enter a COP in Synthesis, use the following steps:

- 1. Access and open the youth's file in Synthesis
- 2. Click on the "COP" file along the top file options
- 3. Click the "New" button
- 4. Enter the required data:



5. Click on the "Insert" button

g. Temporary COP Form in Synthesis

To enter a Temporary COP in Synthesis, use the following steps:

- 1. Access and open the youth's file in Synthesis
- 2. Click on the "Temp COP" file along the top file options
- 3. Click on the "New" button

4. Enter the required data: Temp COP - Adam .Enrollee Insert Done **Enrollee's Current Address** Address 1: Roads to Independence Address 2: 151 S 84th Street C, S, Z: Milwaukee WI 55214 Date of Change: --Select One--- V Type of Change: TE. If known, scheduled return date: FOR ALL TEMP COP ® No ○ Yes Has Bureau or PO been notified? IF TEMPORARY PLACEMENT NOT DESCRIBED ABOVE: **Placement** Relationship: Name: Address 1: Reason: Address 2: C, S, Z: Phone: LIAISON NOTE:

5. Click on the "Insert" button

Date Verification

Ensure that the Date of Change is the same date the court ordered the youth to that placement.

h. HSW needs to email their supervisor or covering supervisor to approve the TOP or COP in Synthesis. After the Supervisor approves the change an email needs to be sent by the Supervisor to DYFS Administration,

(via email @ <u>CCCDYFSHELP@milwaukeecountywi.gov</u>) to update the legal placement in the Synthesis database.

IV. Youth on the Sex Offender Registry

- A. For youth on the Sex Offender Registry (SOR), all legal parties must be informed of any move for the youth.
- **B.** HSWs must enter all temporary COPs within <u>24 hours</u> of the time that the placement change occurred.
 - 1. This notification will occur when the HSW submits a Temporary COP in Synthesis and the HSW Supervisor approves it.
 - 2. Information to be entered on the Temporary COP includes the following:
 - a. Date of Change
 - b. Type of Change (i.e., Respite, Detention, etc.)
 - a. If known, you can enter a "Scheduled Return Date." For example, if the youth is being placed in Detention for a set number of sanction days and the return date is known, or is using Respite for a pre-planned number of days, etc., a "Scheduled Return Date" could be entered.
 - i. It will be assumed that the youth returns to his or her placement on the Scheduled Return Date, UNLESS a new Temporary COP or COP is submitted explaining the change.

- c. Confirmation that the parent(s)/guardian(s), DMCPS Worker, Wraparound Milwaukee Care Coordinator, DYFS ISAS, or other members of the team has been notified.
- d. The placement provider's name, relationship and address must be indicated. The only occasion when the HSW does not need to complete these sections is for Runaway/Missing or Detention stays.
- C. HSWs must enter all permanent COPs within 14 days of the change of placement date will occur.
 - 1. For all youth that are on the SOR with victim(s) whom have submitted cards requesting to be notified of a COP, the victim(s) will receive that notification from the DYFS ISAS when the HSW submits the COP via Synthesis within the required 14 days prior to the move.

V. Summary

Legal COPs are required to be conducted by DYFS staff for all residence changes for youth.

- For <u>non-emergency</u> placements, these must be entered within <u>14 days prior to</u> the placement move.
- For <u>emergency</u> placements (as identified above), these must be entered within <u>24 hours</u> <u>following</u> the placement move.

Reviewed & Approved By

Mark Mertens, Division Administrator

MG 06/01/2019- DYFS Change of Placement Policy 048